

## FACSIMILE COVER SHEET

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Date: April 18, 2005  
  
To: Examiner Mark Helmer  
Group Art Unit: 3663  
Fax No.: (703) 872-9306  
  
Re: U.S. Patent Application No. 10/757,970  
Filed: January 14, 2004  
Applicants: Fausto Meli et al.  
Docket No: CISCPO98C1  
Attorney: Gary T. Aka

### Attached:

- 1) Transmittal Form (1 pg);
- 2) Corrected Terminal Disclaimer (1 pgs).

Total Pages (including cover sheet) 3

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PTO/SB/21 (08-03)

Approved for use through 8/30/2003. OMB 0651-0031

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## TRANSMITTAL FORM

*(to be used for all correspondence after initial filing)*

Total Number of Pages in This Submission

Application Number 10/757,970

Filing Date January 14, 2004

First Named Inventor Fausto Mell

Group Art Unit 3683

Examiner Name Mark Hellner

Attorney Docket Number CISCP698C1

**ENCLOSURES (check all that apply)** Fee Transmittal Form Drawing(s) After Allowance Communication to Group Fee Attached Licensing-related Papers Appeal Communication to Board of Appeals and Interferences Amendment / Reply Petition Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) After Final Petition to Convert to a Provisional Application  
 Power of Attorney, Revocation  
Change of Correspondence Address Proprietary Information Affidavits/declaration(s) Corrected Terminal Disclaimer Status Letter Extension of Time Request Request for Refund  
 CD. Number of CD(s) \_\_\_\_\_ Return Postcard Express Abandonment Request Other Enclosure(s) (please identify below): Information Disclosure Statement

Remarks The Commissioner is authorized to charge any additional fees to Deposit Account 53-1682.

 Certified Copy of Priority Document(s)

In response to the Office Communication mailed April 16, 2005, the terminal disclaimer fee previously submitted with the terminal disclaimer filed on January 21, 2005, please make the enclosed of record.

 Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm and Individual name

Gary T. Aka

Reg. No. 29,038

Signature

Date

April 18, 2005

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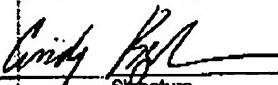
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APR 18 2005

PTO/SB/26 (09-04)

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| <b>TERMINAL DISCLAIMER TO OBViate A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT</b>  |   | Docket Number (Optional)<br>CISCP898C1 |
| In re Application of: Fausto Meli et al.<br><br>Application No.: 10/757,970<br><br>Filed: January 14, 2004<br><br>SHARED VARIABLE GAIN AMPLIFIER FOR WDM CHANNEL EQUALIZATION<br>For: | <p>The owner, <u>Cisco Technology, Inc.</u>, of <u>100</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. <u>6,697,193</u> as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:</p> <ul style="list-style-type: none"> <li>expires for failure to pay a maintenance fee;</li> <li>is held unenforceable;</li> <li>is found invalid by a court of competent jurisdiction;</li> <li>is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;</li> <li>has all claims canceled by a reexamination certificate;</li> <li>is reissued; or</li> <li>is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</li> </ul> <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney or agent of record. Reg. No. <u>40,043</u></p> <p><br/>Signature</p> <p>4/18/2005<br/>Date</p> <p>Cindy S. Kaplan<br/>Typed or printed name</p> <p>408-399-5608<br/>Telephone Number</p> <p>***<br/> <input type="checkbox"/> Terminal Disclaimer fee previously submitted with<br/>Terminal disclaimer fee under 37 CFR 1.20(d) included. terminal disclaimer filed on 1/21/05</p> <p><b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b></p> <p>*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.</p> |  |

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